MONTANA LEGISLATIVE HISTORY

Chapter 290 1997

Bill H 422 S _____ Original bill & history ____C

H. Committee on State Admin.		S. Committee on State Admin.	
Hearing Date(s) Feb 11	✓ C	Hearing Date(s) Mar 10	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C	_____	____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

3/28	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/04	SIGNED BY SPEAKER		
4/05	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/08	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 217		
	EFFECTIVE DATE: 10/01/97		

HB 422 INTRODUCED BY GILLAN, ET AL. *LC1192 DRAFTER: BOHYER*

ELIMINATE THE REQUIREMENT THAT THE ORIGINAL OF CERTAIN DOCUMENTS FILED BY FACSIMILE WITH THE SECRETARY OF STATE BE RECEIVED BY AND FILED WITH THE SECRETARY OF STATE WITHIN 5 DAYS OF THE RECEIPT AND FILING OF THE FACSIMILE

BY REQUEST OF SECRETARY OF STATE

2/01	INTRODUCED		
2/01	FIRST READING		
2/01	REFERRED TO STATE ADMINISTRATION		
2/01	FISCAL NOTE REQUESTED		
2/07	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE PRINTED		
2/11	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	95	1
2/18	3RD READING PASSED	99	1
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO STATE ADMINISTRATION		
3/10	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/14	2ND READING CONCURRED	48	1
3/15	3RD READING CONCURRED	47	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	92	2
4/11	3RD READING CONCURRED AS AMENDED	94	3
4/15	SIGNED BY SPEAKER		
4/15	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 290		
	EFFECTIVE DATE: 04/18/97		

HB 423 INTRODUCED BY KRENZLER *LC1065 DRAFTER: ERICKSON*

CREATE THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS

2/01	INTRODUCED		
2/01	FIRST READING		
2/01	REFERRED TO TRANSPORTATION		
2/01	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/10	FISCAL NOTE PRINTED		
2/12	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	77	22
2/26	3RD READING PASSED	79	21
	TRANSMITTED TO SENATE		
3/03	FIRST READING		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on February 11, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 422, HB 439, HB 440; (2/5/97)
Executive Action: HB 422, HB 439, and HB 361.

HEARING ON HB 422

Opening Statement by Sponsor: REP. KIM GILLAN, H.D. 11.
{Tape: 1; Side: a; Approx. Time Count: .1; Comments: None.}

Proponents' Testimony:
John Cadbey, Montana Bankers Association.
{Tape: 1; Side: a; Approx. Time Count: 1.9; Comments: None.}

Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.
{Tape: 1; Side: a; Approx. Time Count: 2.4; Comments: None.}

Questions From Committee Members and Responses:
{Tape: 1; Side: a; Approx. Time Count: 3.6; Comments: None.}

Closing by Sponsor: REP GILLAN closes.
{Tape: 1; Side: a; Approx. Time Count: 8.7; Comments: None.}

HEARING ON HB 439

Opening Statement by Sponsor: REP. TRUDI SCHMIDT, H.D. 42.
{Tape: 1; Side: a; Approx. Time Count: 10; Comments: None.}

Proponents' Testimony:
Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.
{Tape: 1; Side: a; Approx. Time Count: 12.5; Comments: None.}

Leslie Shell-Beckert, Deputy Assistant, Elections and Legislative Bureau, Secretary of State.
EXHIBIT 1.
{Tape: 1; Side: a; Approx. Time Count: 12.8; Comments: None.}

Robert Throssell, Montana Association of Clerks and Recorders.
{Tape: 1; Side: a; Approx. Time Count: 15.9; Comments: None.}

Gene Hunter, Great Falls Senior Citizen Association.
{Tape: 1; Side: a; Approx. Time Count: 16.9; Comments: None.}

Questions From Committee Members and Responses:
{Tape: 1; Side: a; Approx. Time Count: 17.8; Comments: None.}

Closing by Sponsor: REP. SCHMIDT closes.
{Tape: 1; Side: a; Approx. Time Count: 26; Comments: None.}

HEARING ON HB 440

Opening Statement by Sponsor: REP. MATT DENNY, H.D. 63.
{Tape: 1; Side: a; Approx. Time Count: 27.4; Comments: None.}

Informational Testimony:
Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.
{Tape: 1; Side: a; Approx. Time Count: 33.1; Comments: None.}

Questions From Committee Members and Responses:
EXHIBIT 2.
{Tape: 1; Side: a; Approx. Time Count: 34 through 44.5.}

Robert Throssell, Montana Association of Clerks and Recorders.
{Tape: 1; Side: a; Approx. Time Count: 37.3; Comments: Robert answered some questions.}

Closing by Sponsor: REP. DENNY closes.
{Tape: 1; Side: a; Approx. Time Count: 44.5; Comments: None.}

EXECUTIVE ACTION ON HB 422

Motion: REP. HEAVY RUNNER MOVED DO PASS ON HB 422.
{Tape: 1; Side: b; Approx. Time Count: 8.3; Comments: None.}

Vote: Motion carried 15-0.
{Tape: 1; Side: b; Approx. Time Count: 8.7; Comments: None.}

EXECUTIVE ACTION ON HB 439

Motion: REP. BEAUDRY MOVED DO PASS ON HB 439.
{Tape: 1; Side: b; Approx. Time Count: 8.9; Comments: None.}

Vote: Motion carried 11-4. Rep. Adams, Rep. Hayne, Rep. Rehbein, and Rep. Walters voted no.
{Tape: 1; Side: b; Approx. Time Count: 15.2; Comments: None.}

EXECUTIVE ACTION ON HB 361

Amendments: hb036102.ash

Motion: REP. SIMPSON MOVED DO PASS ON HB 361.
{Tape: 1; Side: b; Approx. Time Count: 16.1; Comments: None.}

Motion: REP. MILLS MOVED TO AMEND.
{Tape: 1; Side: b; Approx. Time Count: 16.9; Comments: None.}

Discussion: Gary Gingery, Department of Agriculture, answered some questions.
{Tape: 1; Side: b; Approx. Time Count: 20; Comments: None.}

Motion/Vote: REP. MILLS MOVED TO SEGREGATE AMENDMENT 3 FROM AMENDMENT 1 AND 2/ motion carried 16-0.
{Tape: 1; Side: b; Approx. Time Count: 27.6; Comments: None.}

Motion: REP. MILLS MOVED AMENDMENT 3.
{Tape: 1; Side: b; Approx. Time Count: 28.1; Comments: None.}

Motion/Vote: REP. WALTERS MOVED A SUBSTITUTE MOTION TO AMEND AMENDMENT 3/ motion carried 13-3. Rep. Beaudry, Rep. Brainard, Rep. Rehbein vote no.

HOUSE STANDING COMMITTEE REPORT

February 11, 1997

Mr. Speaker: We, the committee on **State Administration** report that **House Bill 422** (first reading copy -- white) **do pass**.

Signed: Matt Denny

Matt Denny, Chair

2-11-97

Committee Vote:
Yes 15, No 0.

321115SC.Hgd

PLEASE SIGN IN.

VISITOR REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL NO: HB422 DATE: 2/11/97

SPONSOR: Gillan

NAME AND ADDRESS (PLEASE PRINT)	REPRESENTING	TYPE OF WITNESS		
		Informational	Support	Oppose
JOHN CADBY	MT BANKERS		X	
Sue Kerwin	Sec. of State		X	
Gene B. Hunter	GF			
Ethel M. Potter	Great Falls			

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

Proponents' Testimony:

Bob Lane, Chief Legal Counsel for Department of Fish, Wildlife and Parks spoke in support of the bill, representing executive branch agencies at the request of Judy Browning at the Governor's Office. Generally, the department is in favor of the bill and the concept. Where there are issues of significant interest to the public in an area or community, the best way to do the job is to go out and talk to the community. **Mr. Lane** distributed amendments **EXHIBIT 2**. *{Tape: 1; Side: A; Approx. Time Count: 71.2 (10:39); Comments: explanation of amendment.}*

Opponents' Testimony: None

Informational Testimony:

Sam Prestipino, Americans with Disabilities Act Coordinator for the Montana Department of Transportation discussed the bill. He provided additional information to the committee. He pointed out a concern that the Department of Transportation already meets the requirements of this bill most of the time. However, there are times when the department is involved in a public hearing with a small community that is affected by a transportation related project. In the small, rural communities, they do not have a handicapped accessible meeting facility. When this occurs, the hearing is moved to the closest community with an acceptable facility. The department, between the meetings held in the five districts and the meetings involving the department, are between 300-500 public hearings throughout the state annually. The meetings include scoping, interdisciplinary teams, informational and meetings in affected areas for transportation related projects. He noted that in 1996 there was only one community in 500 that did not have a handicapped accessible facility. *{Tape: 1; Side: B (10:45)}.*

Questions From Committee Members and Responses:

SEN. BROOKE asked about cleaning up other sections of the law. **REP. TROPILA** said the only section of law that says you have to come to Helena is the Resort License Law. The departments are aware of the bill.

Closing by Sponsor:

REP. TROPILA closed.

HEARING ON HB 422

Sponsor: **REP. KIM GILLAN, HD 11, BILLINGS**

Proponents: **Angela Fultz, Chief Deputy Secretary of State**

Opponents: None

Opening Statement by Sponsor:

REP. KIM GILLAN presented HB 422. She said the bill was business friendly because it would allow but would not require businesses to file their transactions with the Office of the Secretary of State through the fax machine. They would no longer be required to send in an original five days later but could use their fax filing. She circulated a sample fax which demonstrated that plain paper faxes are comparable to an original. She noted that fax transmissions are now acceptable by banks and real estate offices.

Proponents' Testimony:

Angela Fultz, Deputy Secretary of State spoke in support of the bill. She said this would be easier for businesses to file their corporations and UCC papers with the office. In 1991 the legislature passed a law allowing business entities to file their papers through the fax machine. At that time plain paper faxes were not common. Those didn't meet the records management requirements and an original was necessary within five days. Now with plain paper fax machines, the hard copy does meet the requirements of the records management program. She pointed out that there are sections in the bill where the Secretary of State's Office "may" accept these copies. The recommendation is to change "may" to "shall" and the date of filing is the date of receipt of the facsimile copy, **EXHIBIT 3.**

Opponents' Testimony: **None**

Questions From Committee Members and Responses:

SEN. GAGE asked how close they were to electronic filing. **Ms. Fultz** replied that there was a bill to examine that over the next two years. The current technology exists but the state mainframe system needs to update, which would be quite expensive.

CHAIRMAN HARGROVE asked if there were any legal problems with fax signatures. **Ms. Fultz** replied that there were no problems, that it was now a widely accepted practice as long as it did not have to be notarized. However, a notarized copy could be faxed as well. An original would not be necessary.

Closing by Sponsor:

REP. KIM GILLAN closed.

EXECUTIVE ACTION ON SR 7

Motion/Vote: **SEN. GAGE** moved to adopt SR 7, confirming the appointment of Mark Simonich to the Department of Environmental Quality. The question was called. The motion PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 348

Motion/Vote: **SEN. GAGE** moved DO CONCUR HB 348. The question was called. The motion PASSED UNANIMOUSLY. **SEN. GAGE** will carry the bill.

EXECUTIVE ACTION ON HB 368

Amendments: **SEN. WILSON** said a small change was needed on page 16, line 15 where the Business and Labor Committee was grouped in with the Secretary of State, since they rarely appear before those committees the Secretary of State should be inserted to State Administration on line 27.

Discussion: **CHAIRMAN HARGROVE** said he had concerns about the value here. He agreed, but it seemed like a duplication. *{Tape: 1; Side: B; Approx. Time Count: 53.2; Comments: discussion.}* **SEN. GAGE** said the bill requiring notice be given to the sponsor would solve the problem, rather than this bill. **SEN. WILSON** said things will change especially after the term limits. This will be necessary later. **SEN. GAGE** pointed out that the House holds a different view of the interim committees since that have twice the members to go on them.

Motion/Vote: **SEN. GAGE** moved to TABLE HB 368. The question was called. The motion PASSED with one no by **SEN. WILSON**.

EXECUTIVE ACTION ON HB 376

Motion/Vote: **SEN. GAGE** moved to DO CONCUR HB 376. The question was called. The motion CARRIED UNANIMOUSLY. **SEN. MESAROS** will carry the bill.

EXECUTIVE ACTION ON HB 422

Amendments: **SEN. GAGE** moved to amend HB 422 for an immediate effective date, **EXHIBIT 4**. The motion CARRIED UNANIMOUSLY.

Motion/Vote: **SEN. MESAROS** moved HB 422 AS AMENDED. The motion CARRIED UNANIMOUSLY.

COMMITTEE DISCUSSION - HB 361

David Niss discussed amendments to HB 361, **EXHIBIT 5, 5a.**